Accommodating Students with Exceptional Needs in Charter Schools

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www.education.gov.ab.ca/k_12/specialneeds/charter.asp

This document is intended for:

Administrators	✓
Teachers	✓
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Foreword

Accommodating Students with Exceptional Needs in Charter Schools is intended to assist charter schools in providing accommodations for students with exceptional needs, while acknowledging the importance of the charter approved by the Minister, local autonomy, flexibility and choice. This document follows a similar organization to *Standards for Special Education, Amended June 2004*, but does not contain requirements for special education programming in charter schools, in keeping with the exemption provided in Section 36(1)(d) of the *School Act*. Instead, Alberta Education asks charter boards to consider effective practices in meeting the needs of students with exceptional needs.

When charter schools enroll students with exceptional needs, Alberta Education recommends that they provide accommodations to the students for the school year in which the students are enrolled. It is incumbent on charter schools to gather the information necessary to make informed decisions about accepting students with exceptional needs. In addition, a charter school must advise parents of the services that the school will provide.

Charter school boards are not obligated to enroll every student who seeks admission. Enrollment decisions must be made in accordance with the charter approved by the Minister, board policy, provincial legislation and policy. However, charter schools may have a legislated duty not to discriminate on the basis of cognitive or physical disability, and enrollment and programming decisions must be made in accordance with that duty. Enrollment decisions should be made on an individual basis, based on the best interests of a student's educational needs, and, ideally, in consultation with a student's parent(s). While a charter school can decide to deny enrollment of a student, the Minister of Education may review a decision to deny enrollment.

This document is organized into the following four areas:

1) **Access to Accommodations**
   The provision of accommodations that enable and improve the learning of students.
2) **Appropriateness of Accommodations**
   The design of accommodations, provided by certificated staff, around the needs of the student.
3) **Accountability for Programming**
   The obligation to answer for the execution of one's assigned responsibilities.
4) **Appeals**
   The use of timely, fair and open processes that protect the rights of students and parents and address differences of opinion about the education of those students.

Throughout this document, the use of the term *must* refers to an obligation or requirement applicable to charter schools that is contained in the *School Act*, the *Funding Manual for School Authorities*, the *Guide to Education: ECS to Grade 12*, or the *K-12 Learning System Policy, Regulations and Forms Manual*.

The following is provided by Alberta Education on an informational basis only and may be considered an effective practices model that charter schools may choose to implement in order to accommodate students with exceptional needs. This should not be considered legal advice; nor is it intended to replace any outside expert advice. Charter schools are encouraged to seek guidance or advice from their own legal and other experts.

Definitions

In this document:

Accommodation means intervention for students with exceptional needs that is consistent with the charter goals and outcomes approved by the Minister of Education, individualized and based upon assessed needs, but not necessarily in accordance with the requirements of Section 47 of the *School Act*.

Adapted programming means programming that retains the learning outcomes of the Alberta Program of Studies, with adjustments to instructional processes to address the exceptional needs of the student.

Assessment means the ongoing process of collecting information about students, using a number of formal and informal methods across a variety of domains (academic, behavioural, communicational, intellectual or physical), to develop and implement appropriate programming.

Consultation means the processes that give parents of students with exceptional needs and, where applicable, the students themselves the opportunity to assist in making decisions about all aspects of programming and placement.

Diagnostic information means the results of formal and informal assessments that identify students' areas of strengths and weaknesses and are used to determine individualized programming for students.

Early identification means the process used to identify students with exceptional needs at the earliest possible time, either before or after their entry into school.

Individualized program plan (IPP) means a plan of action designed to address students' exceptional needs, based on diagnostic information. The IPP should include the following essential information:

- assessment data
- current level of performance and achievement
- identification of strengths and areas of need
- measurable goals and objectives
- procedures for evaluating student progress
- identification of coordinated support services (including health-related), if required
- relevant medical information
- required classroom accommodations (e.g., any changes to instructional strategies, assessment procedures, materials, resources, facilities or equipment)
- transition plans
- year-end summary.

Informed consent means that the individual:

- has been provided with all information relevant to the activity for which consent is sought
- understands and agrees, in writing, to the carrying out of the activity for which his or her consent is sought
- understands that the granting of consent is voluntary and may be withdrawn at any time.

Level of performance means assessed skill development in academic and other areas, such as adaptive functioning, behaviour, cognition, communication and physical development.

Modified programming means programming in which the learning outcomes are significantly different from the provincial curriculum and are specifically selected to meet students' special education needs.

Parent means the biological or adoptive parent, or the individual who has legal custody or guardianship of the student.

Referral means arranging for students to receive specialized assessment or consultation.

Specialized assessment means individualized measurement across a variety of domains for the purpose of developing and providing individualized programming for students. Specialized assessment includes assessment of intellectual abilities, academic performance, emotional and behavioural development and physical development relevant to students' educational performance.

Student with exceptional needs means a student who has been assessed as having a mild, moderate, or severe disability/delay or who is gifted and talented, and for whom the charter school is providing accommodations. An individualized program plan (IPP) is a recognized model for providing documentation of exceptional programming.

Transition planning means a consultative process that involves students, parents, other professionals, receiving school staff, and community agencies, as appropriate, to enable students to prepare for and successfully make changes (e.g., school entry, between grades/levels of schooling).

Access to Accommodations

Charter schools should provide enrolled students who have exceptional needs with accommodations that enable and improve their learning. The charts that follow show requirements and suggestions for charter school operators in six different areas of providing access to accommodations for their students.

1. Identification

Requirements	Suggestions
• Must adhere to the requirements of the charter approved by the Minister when preparing to enroll students. • Must develop local policy and communication materials, consistent with the approved charter, that inform parents of the charter school's requirements for intake information, programming, possible accommodations and the process used to make and communicate enrollment decisions.	• Should develop and implement written intake procedures about including prospective students with exceptional needs. • Should develop or utilize formal and informal checklists, screening tools and/or assessments that will assist in the identification of prospective and enrolled students' needs. • Should involve parents and, when appropriate, students in the screening, identification and referral process. • Should request information from parents, before a student is enrolled, that is relevant to a student's education. Information may include a copy of the student record for a student currently enrolled in another school. • Should provide applicable training opportunities for staff that will enhance the charter school's ability to intervene for enrolled students with exceptional needs as necessary and in accordance with the charter approved by the Minister. • When choosing to deny enrollment to a student with exceptional needs, should provide written reasons for the decision and advice to parents about educational programming available in the community that will meet the needs of the student and about the process parents may use to appeal the decision.

2. Assessment

Requirements	Suggestions
• None	• Should use a variety of assessment strategies and data to determine the need for accommodations. • Should report results of assessments to parents, teachers and others involved with students' programming. • Should use results of assessments to make decisions about accommodations and services available to students with exceptional needs. • Should use assessment data to develop, implement and evaluate the effectiveness of programming and services provided to students with exceptional needs.

3. Informed Consent

Requirements	Suggestions
• Must place reasons parent gives for refusal of consent in the student record. • Must place parent's written notification of withdrawal of consent in the student record.	• Should document actions undertaken to obtain consent. • Should obtain parents' informed written consent for all specialized assessments and/or interventions. • Should allow parents to withdraw their consent at any time on submission of written notification to the principal

4. Specialized Assessment

Requirements	Suggestions
• Must use qualified professionals to conduct specialized assessments, interpret results, and provide program recommendations to parents, teachers and others involved with students' programming.	• Should have written procedures for referring students for specialized assessment. • Should base referrals on a variety of indicators such as: – screening procedures – teacher assessment and observation – parent information – previous assessments. • Should work collaboratively with other service providers and/or appropriate professionals to complete specialized assessments and/or interventions. • Should complete, when required, specialized assessments and/or consultations within a reasonable time (recommended guideline is within eight weeks from the date of the completed written referral to the completion of a written report, unless there are extenuating circumstances). • Should consider the guidelines and standards of professional organizations for their members.

5. Right of Access to Records

Requirements	Suggestions
• Must provide parents with access to information contained in the student record, including results of specialized assessments and student progress reports, in accordance with the *Student Record Regulation* and *Freedom of Information and Protection of Privacy Act* (FOIP).	• None

6. Coordinated Services

Requirements	Suggestions
• Must have written procedures for accessing, recording, and sharing medical information and for storing and/or administering medications.	• Should work collaboratively with community agencies, organizations and associations, other education authorities, regional health and children's services authorities, and families and students, when appropriate, to meet the exceptional needs of students. • Should develop, keep current and implement written school policy and procedures for working with agencies, organizations, associations and authorities to design and deliver services for students with exceptional needs. • Should obtain parents' informed, written consent to provide coordinated services identified in student individualized program plans (IPPs). • Should provide staff with training by qualified professionals or other individuals with expertise, including parents, when planning to administer health-related support services to students.

Appropriateness of Accommodations

Accommodations should be designed around the needs of students and be provided by certificated staff. The charts that follow show requirements and suggestions for charter school operators in four different areas related to appropriateness of programming for their students with exceptional needs.

7. Professional Standards

Requirements	Suggestions
• Must ensure teacher practice is in accordance with the *Teaching Quality Standard*. • Must ensure teachers know and apply knowledge, skills and attributes to accommodate individual differences for enrolled students with exceptional needs in accordance with the charter approved by the Minister. • Must support teachers' ability to monitor the effectiveness of their practices and adjust practices as necessary.	• None

8. Parent Involvement in Decision Making

In accordance with the Preamble to the *School Act*, parents have a right and responsibility to make decisions respecting the education of their children. Parents are expected to work with charter schools to ensure their children's education needs are met, subject to limitations based on reasonableness, in accordance with Section 2 of the *School Act*, and the provisions of the charter approved by the Minister.

Requirements	Suggestions
• Must ensure parents have the opportunity to participate in decisions that affect their children's education. • Must ensure parents have information needed to make informed decisions.	• None

9. Placement

Requirements	Suggestions
• Must determine the most appropriate placement for a student, in accordance with the requirements of the charter and the student's educational needs, and in a manner consistent with provincial requirements, in consultation with parents, and based on available information. • Must meet the requirements of the *Funding Manual for School Authorities* when seeking additional funding for enrolled students with severe disabilities.	• Should consult with parents to ensure that the most appropriate placement for a student is identified and facilitate entry into that education program, if possible. • In accordance with the charter approved by the Minister, should provide accommodations for enrolled students with exceptional needs.

10. Individualized Program Planning, Implementation and Evaluation

Requirements	Suggestions
• Must identify principals as accountable for the delivery of school-based education programming and services. • Must ensure teacher assistants work under the direction of a certificated teacher to realize students' goals.	• Should provide teachers of students with exceptional needs with relevant resources and professional development opportunities. • Should ensure the school has a process to provide consultation, planning and problem solving relating to programming for students with exceptional needs. • Should ensure principals identify teachers whose responsibility it is to coordinate, develop, implement, monitor and evaluate any student IPPs that the charter school has chosen to create. • Should ensure that any IPPs developed are implemented, monitored and evaluated. • Should ensure teachers: – involve parents and, when appropriate, students and other professionals in the development, implementation, monitoring and evaluation of students' IPPs – document, in any IPPs created, the formal review of students' progress, at regularly scheduled reporting periods – provide feedback during informal reviews to parents and, when appropriate, students, throughout the year

	– make changes to any IPPs created, as required – obtain the parents' signature on any IPPs created to indicate agreement with the IPP – document actions undertaken by the charter school to obtain consent and/or resolve concerns in cases when parents indicate their disagreement with an IPP – ensure any IPPs created are placed in the student record and that access to the IPPs complies with the Student Record Regulation and FOIP.

Accountability for Programming

Charter schools are accountable for the provision of educational services to students. The charts that follow show requirements and suggestions for charter school operators in four areas related to accountability.

11. Reporting — Policy and Procedures

Requirements	Suggestions
• Must ensure their written policies and procedures are consistent with applicable provincial legislation and policies.	• Should ensure that written policies and procedures provide clarity about provisions for access, appropriateness, accountability and appeals. • Should have written descriptions of the responsibilities of staff and the accommodations available for students with exceptional needs.

12. Reporting to Parents

Requirements	Suggestions
• Must ensure that any students' IPPs created include information about students' current level of performance and academic achievement in relation to the appropriate learner outcomes in the provincial curriculum. • Must inform parents of their children's progress throughout the year at regularly scheduled reporting periods.	• None

13. Program Monitoring and Evaluation

Requirements	Suggestions
• Must report expenditures related to special education programming and services as part of their audited financial statement.	• Should monitor and evaluate the effectiveness of education programming provided.

14. Participation in Provincial Assessments

Requirements	Suggestions
• Must ensure that special provisions for testing, including school-based and provincial tests, are available to students with exceptional needs throughout the year, as required. • Must determine whether individual students can be excused from writing a provincial achievement test.	• None

Appeals

According to sections 123 and 124 of the *School Act* and Section 14 of the *Charter Schools Regulation*, parents and students have the right to have their concerns about educational decisions affecting students addressed by timely, fair and open processes. The chart below shows requirements and suggestions for charter school operators related to appeals of decisions about students with exceptional needs.

15. Appeals

Requirements	Suggestions
• Must inform parents of their right to request a review by the Minister about a decision to deny enrollment of a student.	• Should establish written procedures to hear appeals from parents or, where applicable, students regarding decisions that significantly affect the education of students. • Should advise parents of their right and the procedures involved in making a formal appeal to the governing body of the charter school about decisions regarding educational programming.

Early Childhood Special Education

Standards for the Provision of Early Childhood Special Education outlines for school authorities and parents the standards for educational programming and services for children with special education needs who are eligible under *Early Childhood Services Policy 1.1.3.* The chart below shows requirements and suggestions for charter school operators related to ECS programs.

16. ECS Programs

Requirements	Suggestions
• Must ensure that kindergarten and other early childhood programming adheres to the requirements contained in the *Standards for the Provision of Early Childhood Special Education.*	• None